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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 August 1992, at 3 p.m.

Chairman: Mr. ALFONSO MARTÍNEZ

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The meeting was called to order at 3.30 p.m.

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS (agenda item 17)

(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH (E/CN.4/Sub.2/1992/36; E/CN.4/Sub.2/1991/42)

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN

1. Mr. CISSÉ (Centre for Human Rights) recalled that, at its thirty-seventh session the Sub-Commission had decided to include the item in its agenda. In respect of sub-item (a) entitled "Prevention of discrimination and protection of children: human rights and youth", by its decision 1985/2, the Sub-Commission had entrusted Mr. Mazilu with the task of preparing a report on human rights and youth, analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work. The Sub-Commission had Mr. Mazilu's final report (E/CN.4/Sub.2/1992/36) before it at the current session. With regard to sub-item (b) entitled "Prevention of discrimination and protection of women", by its resolution 1987/26 the Sub-Commission had requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women. Those reports had been made available at the present session.

2. Mr. GOLDBERG (International Federation of Human Rights) drew attention to the extremely precarious situation faced by some of his Federation's affiliated organizations and their members. The International Federation of Human Rights (IFHR) comprised 66 organizations in 60 countries, all pursuing the same objective: the protection and promotion of the rights guaranteed by the Universal Declaration of Human Rights and other international instruments. In the past, the problems faced by IFHR's member organizations had included summary executions of human rights activists, disappearances, arbitrary detentions and the banning of their activities, the refusal by the authorities to recognize them and even their official dissolution.

3. Nothing had changed. A few months earlier, the Vice-President of the Chadian League of Human Rights, one of the seven lawyers in that country, had been murdered in circumstances indicative of a summary execution. His murderers had not yet been found and IFHR feared that they would receive the benefit of total impunity, despite official promises that they would be brought to justice. Recently, several members of IFHR's Syrian affiliate had been sentenced, for their membership of IFHR, to penalties of up to 10 years' imprisonment with hard labour at the end of an unfair trial before the State Security Court. Some had been tortured, while the conditions of imprisonment of others were absolutely inappropriate in the light of their poor physical and mental health. Their situation was described in a written statement submitted by IFHR in the context of agenda item 10.

4. In Côte d'Ivoire, the President of the League of Human Rights and Dean of the Abidjan Faculty of Law had been sentenced to two years' imprisonment, although he had recently benefited from an amnesty. In the Philippines,

the members of the Philippines Alliance of Human Rights Advocates were being prosecuted for subversion simply because they gave legal advice to anyone who had been detained by the authorities. Such vulnerability was out of all proportion in certain countries where human rights activists received threats every day, as was the case in Guatemala.

5. In Peru, all members of the human rights community found themselves at risk after the supreme State authority had described them as terrorist supporters. In view of the unconstitutional state of affairs that had existed since 5 April 1992, IFHR was greatly concerned about the safety of the members of its Peruvian organization, the Asociación Pro-Derechos Humanos, of whose situation members of the Sub-Commission would become aware when they had read the document which the latter had prepared for them.

6. In other countries, too, the existence of human rights organizations was being threatened because of official restrictions on freedom of association. For example, the Tunisian League of Human Rights had had to exist in conditions which were totally incompatible with freedom of association and which had occasioned its break-up. The Egyptian League of Human Rights, in spite of repeated appeals to the authorities, had never received official recognition.

7. IFHR took the view that involvement in the fight for human rights was the responsibility of everyone, as the Sub-Commission itself had so often pointed out. Consequently, in order to secure a better protection of human rights at the national, regional and international levels, IFHR suggested that the Sub-Commission should compile a list of national, regional and international human rights associations, to be regularly updated and considered every year under agenda item 17, and that it should also call on the Commission to complete, as soon as possible, the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

8. Mr. GUISSÉ, after noting that the movement towards democracy that had begun in Eastern Europe had spread throughout the world, especially in Africa, where sometimes it had had a happy outcome and sometimes had led to massive violations of human rights, said that since 1948 a great effort had been made to promote human rights through the dissemination of international instruments. All States were aware of their carefully drafted contents, but many had failed to abide by their commitments. In recent years new standards had been established in response to new situations; they, too, needed to be widely disseminated. In many cases the right to life itself was being threatened, and the international community had a duty to proclaim the absolute value of that right regardless of race, country of residence, or economic or health status.

9. As far as the protection of human rights was concerned, it was noteworthy that some Governments deliberately failed to punish violations of human rights. Unfortunately, the international community had no police force, no judiciary and no prisons. All that it could do was to urge Member States to protect the human rights of individuals, especially by incorporating the provisions of international instruments into their domestic legislation.

10. The restoration of human rights implied a prior violation. Sometimes, as a result of the poor functioning of the State and its failure to maintain law and order, organized groups had been allowed to violate human rights. Whatever the circumstances, restoration required that those responsible for violations be prosecuted and that victims be compensated.

11. Ms. BRIDEL (International Association of Democratic Lawyers) said that her organization had had reports that violations of the human rights of Iranian women were on the increase. The Government was responding to the demands of Iranian women by the increased use of terror. Women were arrested for their political opinions, kept incommunicado for months on end, and subjected to various forms of physical and psychological torture, including verbal and sexual abuse. Rape was commonplace; young virgins under sentence of death were systematically raped to ensure that they would not gain access to paradise on account of their virginity. Women who had been raped often suffered breakdowns and were driven to suicide. Women who were pregnant at the time of their arrest suffered miscarriages, or gave birth in atrocious conditions. Prisoners could not contest the legality of their detention or seek compensation for the torture and ill-treatment inflicted on them; there was no prison inspection system in Iran to supervise the treatment of women prisoners. Her organization called upon the Sub-Commission to send a group of inspectors to Iran, as soon as possible, to denounce and redress the systematic violations of the rights of women taking place in its prisons.

12. Mr. EIDE said that while it was very appropriate for the Sub-Commission to consider violations of human rights by Governments, account should also be taken of the widespread violations perpetrated by individuals and groups, especially young people, that claimed to be engaged in some kind of liberation movement and committed horrendous acts in its name. While Governments should certainly not be allowed to stigmatize human rights activists as terrorist supporters, non-governmental organizations had to come to grips with the problem posed by the cult of violence pursued by individuals and groups, often of fundamentalist persuasions, that were opposed to Governments. The reasons why young people were often blinded by such religious fervour needed to be explored. He, personally, was very impressed by the work done by non-governmental organizations, but the time had come for everyone to reflect on the dual dimension of the problem and to strike a balance, in so far as human rights were concerned, between the activities of Governments and those of individuals and groups that created conditions that made it almost impossible for Governments to fulfil their responsibilities.

13. Mrs. WARZAZI welcomed Mr. Eide's acknowledgement of the fact that human rights violations emanated from all quarters, and did not stem solely from Governments. In the past, it had been easy to blame Governments for such violations; and it was true that all Governments without exception had occasionally been guilty of them. However, the events of the past two years had forced the Sub-Commission to acknowledge that human rights were also violated by groups operating outside the framework of the State. No State, even in the West, was safe from that new phenomenon; and terrorism, whether religious, political or drugs-related, must be vigorously combated.

14. The Sub-Commission and the non-governmental organizations must now focus on that phenomenon. The tragic events in Bosnia, Somalia and Liberia had provoked little response from the international community. The Islamic community was entitled to ask why the international community had stood idly by while Muslims were massacred in Bosnia. Was it because they were Muslims? When so many forces had been mobilized to save the Kurds, why had so little been done to prevent tens of thousands of Bosnian Muslims from being massacred?

15. Mr. MAXIM said that the young were often the first victims of violence, unemployment, malnutrition and contemporary forms of slavery; but that they were also increasingly the perpetrators of violence. Why did young people have recourse to drugs, espouse terrorism, or willingly lay down their lives in armed conflicts? Were they solely to blame for their circumstances, or were there external causes for their discontent? If the causes were external, the Sub-Commission should try to pinpoint those causes and to make useful recommendations with a view to removing them.

16. Mr. NDABAHAGAMYE (International Labour Organisation) said that he wished to draw attention to one aspect of discrimination against women, namely, discrimination in the area of remuneration. The virtually universal acceptance of the principle of equal remuneration without discrimination on the grounds of sex was reflected in the fact that the ILO Equal Remuneration Convention (No. 100) of 1951 had been ratified by more than 100 countries worldwide. Yet, there had been many difficulties in securing implementation of the principle of equal remuneration for work of equal value, closely bound up with the general status of women and men in employment and society. In addition to their international commitment, over the previous decade a growing number of Governments had taken legislative measures to ensure implementation of that principle. That trend was encouraging; yet his organization noted with concern that the definitions and criteria used in national legislation to compare jobs were often less broad than those set forth in the Convention, and could thus lead to narrow and restrictive interpretations, despite States undertaking not to enter reservations upon ratification.

17. If men and women were to receive equal remuneration for work of equal value, it was important that there should be a mechanism and a procedure to guarantee that the criterion of sex was not taken into consideration when comparing the value of the work. Difficulties in the evaluation of work arose, in particular, when certain professions, activities or jobs were in practice reserved for men or for women because of deep-rooted social and historical attitudes. In order to secure equal remuneration in a predominantly female sector of activity, it was often necessary to have a point of reference outside the enterprise or establishment under consideration.

18. Having regard to the manifold causes of unequal remuneration for men and women workers, the best results had been obtained in countries that had undertaken global programmes of action designed to address every aspect of the situation simultaneously. Some countries had set up specialized bodies or agencies endowed with sufficiently broad powers to prepare programmes and coordinate measures to promote equal opportunity and equal treatment in all fields, including equal remuneration for work of equal value. Regardless of the particular methods used to secure equal remuneration, it was essential that employers' and workers' organizations should be fully committed to

achieving the objectives of the Convention and to ensuring that discrimination was eliminated from all pay scales and collective agreements as fully and rapidly as possible. Their commitment was of crucial importance, particularly in the prevailing unfavourable economic climate, in which priority tended to be given to other matters.

19. Although much progress had been made, that did not mean that discrimination had been eliminated, or that the changes were irreversible. Social and economic factors such as the world recession and the growth of the informal sector and of part-time work might lead to a resurgence of those problems. Such pressures must be countered.

20. Mr. KHOURY (Observer for the Syrian Arab Republic) said that at the start of the Sub-Commission's deliberations, his delegation had expected to hear constructive proposals on new measures to strengthen and promote human rights. Agenda item 17 related, inter alia, to the protection of the human rights of women and children; yet earlier in the debate, the representative of the International Federation of Human Rights had referred to allegedly unfair trial proceedings in Damascus, an issue that should more properly have been addressed under agenda item 10. Those allegations were in any case totally unsubstantiated. It was unfortunate that some organizations apparently regarded detention and torture as inseparable phenomena, and all trial proceedings as "unfair" by definition. It was to be hoped that when such allegations were made in the future, they would contain at least a grain of truth.

The meeting rose at 4.35 p.m.